

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WURTH BAER SUPPLY CO.,

Plaintiff,

v.

IAN STROUSE and ANDREW
HOMSHER,

Defendants.

No. 4:21-CV-01913

(Chief Judge Brann)

ORDER

SEPTEMBER 9, 2022

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that the Defendants' motions to dismiss (Doc. 12; Doc. 15) are **GRANTED IN PART, DENIED IN PART**; Plaintiff Wurth Baer Supply Co.'s motion to dismiss (Doc. 19) is **GRANTED**:

1. For the Complaint (Doc. 1), Count VI (violation of the Computer Fraud and Abuse Act) is **DISMISSED WITH PREJUDICE**. The remaining Counts may proceed.
2. For Defendant Ian Strouse's Answer, Affirmative Defenses, and Counterclaims (Doc. 14), Counterclaim Counts I (unjust enrichment/*quantum meruit*), II (invasion of privacy—misappropriation of name and likeness), and III (right of publicity) are **DISMISSED WITHOUT PREJUDICE**. If Strouse elects to plead

over on Counterclaim Counts I, II, and III, he must file an amended pleading on or before September 30, 2022.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge